

1 **Article 2.**

2 **Jurisdiction and Venue.**

3 **§ 12-15-30. [GP] Original jurisdiction ~~generally~~– ~~Children~~Juvenile.**

4 (a) The ~~juvenile~~ court shall exercise exclusive original jurisdiction of juvenile proceedings in
5 which a child is alleged to be delinquent, ~~dependent or~~ in need of supervision, or dependent as
6 defined by Section 12-15-1; however, a dependency action does not include a custody dispute
7 between parents.

8 (b) The court shall also exercise exclusive original jurisdiction of proceedings arising out of
9 the above juvenile proceedings, including, but not limited to:

10 (1) Proceedings under the Interstate Compact on Juveniles and the Interstate Compact on
11 Placement of Children pursuant to Chapter 2 of Title 44; and

12 (2) Proceedings for termination of parental rights pursuant to Chapter 18 of Title 26.

13 (c) Juvenile cases before the court shall be initiated through the intake office pursuant to
14 Article 3 of this chapter.

15 **§ 12-15- . [GP] Original Jurisdiction – Civil.**

16 ~~(ba)~~ The court shall ~~also~~ exercise exclusive original jurisdiction of the following civil
17 proceedings, ~~which shall be governed by the laws relating thereto:~~

18 ~~_(1) Proceedings to determine custody or to appoint a legal custodian or guardian of the~~
19 ~~person of a child when the child is otherwise before the court. This provision, however, shall~~
20 ~~not be construed to deprive other courts of the right to determine the custody or guardianship~~
21 ~~of the person of children when such custody or guardianship is incidental to the~~
22 ~~determination of cases pending in those courts. Such courts, however, may certify said~~
23 ~~questions to the juvenile court for hearing and determination or recommendation;~~

1 ~~(21) Removal of disabilities of nonage, including~~Proceedings for judicial consent ~~to~~
2 ~~marriage, employment, withdrawal from school, or enlistment for a child to marry, be~~
3 ~~employed, withdraw from school, or enlist in military service~~ when such consent is required
4 by law;

5 ~~(3) Proceedings under the interstate compact on juveniles;~~

6 (42) Proceedings for the commitment of a mentally ill or mentally retarded child to the
7 Alabama Department of Mental Health and Mental Retardation pursuant to 12-15-90;

8 (53) Proceedings for the adoption of a child when such proceedings have been removed
9 from probate court on motion of any party to the proceedings; ~~and~~

10 (4) Proceedings for waiver of parental consent for a child to have an abortion pursuant to
11 Section 26-21-3 (3);

12 (5) Proceedings to establish paternity or maternity of a child pursuant to the Uniform
13 Parentage Act;

14 (6) ~~Termination of parental rights. Proceedings to establish child and spousal support, or~~
15 ~~both, in cases brought pursuant to Title IV-D of the Social Security Act, including the~~
16 ~~Uniform Interstate Family Support Act, commencing at Section 30-3A-1, when an equivalent~~
17 ~~court of another State issued the order; and~~

18 (7) Proceedings filed pursuant to the Uniform Child Custody Jurisdiction and
19 Enforcement Act, commencing in Section 30-3B-101, when an equivalent court of anther
20 State issued an order.

21 (eb) The court shall also have original jurisdiction in proceedings concerning any child:

22 (1) ~~Concerning any child:~~

23 a. ~~Who is in a situation subjecting him to physical, mental or emotional abuse or is in~~
24 ~~clear and present danger of suffering lasting or permanent damage; or~~

1 ~~b.~~ Who requires emergency medical treatment in order to preserve his life, prevent
2 permanent physical impairment or deformity or alleviate prolonged agonizing pain; or

3 (2) Where it is alleged that a child's rights are improperly denied or infringed in
4 proceedings resulting in suspension, expulsion or exclusion from a public school.

5 (c) All civil cases before the court shall be governed by the laws relating thereto and shall be
6 initiated by the complainant filing a petition or complaint with the clerk of the court.

7 **§ 12-15-31. [GPI] Original jurisdiction ~~generally~~– ~~Minors and adults~~Criminal.**

8 (a) The court shall have exclusive original jurisdiction to try any adult charged with any of
9 the following offenses:

10 ~~(1) To try any minor or adult charged with:~~

11 ~~a. (1) Aiding, encouraging or causing any child to become or remain delinquent, in need~~
12 ~~of supervision or dependent; Contributing to the delinquency, in need of supervision or~~
13 ~~dependency of a child in violation of Section 12-15-13;~~

14 ~~b. (2) Disregarding or failing to obey any lawful order made by the judge of the juvenile~~
15 ~~court or interfering with the custody of any child under the jurisdiction of the juvenile~~
16 ~~court; Disobeying an order of the juvenile court in violation of Section 12-15-14;~~

17 ~~c. Interfering with the custody of or removal or attempting to remove any dependent or~~
18 ~~delinquent child or one in need of supervision or one so alleged to be or any child whose~~
19 ~~custody is the subject of controversy in said court or who is in the custody of the court or of a~~
20 ~~probation officer or any other officer or person designated by the court as a special officer, or~~
21 ~~any child who has been by said court committed to any person, persons, institutions,~~
22 ~~associations, corporation, agency, the Department of Youth Services or the Department of~~
23 ~~Human Resources under the terms of this chapter;~~

~~d.(3) Knowingly interfering with, opposing or otherwise obstructing any probation officer or representative of the Department of Human Resources in the performance of his duties under this chapter; or Opposing or interfering with a juvenile probation officer or a representative of the Department of Human Resources in violation of Section 12-15-15;~~

~~e.(4) Any offenses proscribed in Sections 12-15-100, 12-15-101 or 12-15-102; Violating any of the records, fingerprint, photograph or DNA provisions of Sections 12-15-100, 12-15-101 or 12-15-102;~~

~~(2) In proceedings to establish paternity of a child born out of wedlock;~~

~~(3) To try any minor or adult charged with desertion and nonsupport in violation of law;~~

~~(5) Nonsupport in violation of Section 13A-13-4;~~

~~(6) Violating any of the juvenile criminal sex offender provisions of Section 15-20-28 (g) (1); or~~

~~(7) Violating any of the provisions of the compulsory school attendance laws in Section 16-28-12.~~

~~(4) In proceedings for the commitment of a mentally ill or mentally retarded minor;~~

~~(5) To make parents or guardians of a child parties to all juvenile court actions.~~

~~(b) All criminal cases before the court shall be governed by the laws relating thereto and shall be initiated by complaint made before a judge or magistrate according to criminal procedure.~~

§ 12-15-32. Retention and termination of jurisdiction generally.

~~(a) [GPI] For the purposes of this chapter~~In delinquency and in need of supervision cases,
jurisdiction ~~obtained by~~of the juvenile court ~~in any case of a~~over the child shall be retained by it
~~until terminate when~~ the child becomes 21 years of age ~~unless terminated prior thereto by order~~
~~of the judge of the juvenile court except that the juvenile court shall retain jurisdiction until the~~

1 ~~child complies with any order of the juvenile court requiring the payment of fines, costs,~~
2 ~~restitution, or other court ordered monies. This section shall not be construed to affect the~~
3 ~~jurisdiction of other courts over offenses committed by the child after he reaches the age of 18~~
4 ~~years or is convicted in criminal court or adjudicated a youthful offender.~~

5 ~~(b) If a person already under the jurisdiction of the juvenile court is convicted or adjudicated~~
6 ~~a youthful offender in a criminal court of a crime committed after the age of 18, the conviction or~~
7 ~~adjudication shall terminate the jurisdiction of the juvenile court except that the juvenile court~~
8 ~~shall retain jurisdiction until the child complies with any order of the juvenile court requiring the~~
9 ~~payment of fines, costs, restitution, or other court ordered monies.~~

10 ~~(b) In dependency cases, jurisdiction of the court over the child shall terminate when the~~
11 ~~child becomes 19 years of age.~~

12 ~~(c) Nothing in this section or Section 12-15-34.1 is intended to terminate the jurisdiction of a~~
13 ~~juvenile court regarding~~In any case over which the court has jurisdiction, the court shall retain
14 jurisdiction for the enforcement of ~~an order any prior orders of the court~~ requiring the payment of
15 fines, court costs, restitution, or other court ordered ~~monies~~money until paid in full.

16 ~~(d) For purposes of this chapter, any order of a juvenile court requiring payment of fines,~~
17 ~~costs, restitution, or other court ordered monies shall remain effective with regard to the~~
18 ~~payments until the fines, costs, restitution, or other court ordered monies are paid in full.~~

19 ~~(e) For purposes of enforcing any order of the juvenile court requiring the payment of fines,~~
20 ~~costs, restitution, or other court ordered monies, the remedies with regard to punishment for~~
21 ~~contempt, including incarceration in jail, shall be available to the juvenile court.~~

22 **~~§ 12-15-33. Transfer of cases to juvenile court from other courts; transfer provisions~~**
23 **~~inapplicable to certain offenders.~~**

1 ~~(a) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that~~
2 ~~the defendant was a child, as defined in this chapter, at the time of the alleged offense, that court,~~
3 ~~which shall have the duty to ascertain such age, shall forthwith transfer the case, together with all~~
4 ~~the papers, documents, and transcripts of any testimony connected therewith, to the juvenile~~
5 ~~court. The transferring court shall order that the juvenile be taken forthwith to the place of~~
6 ~~detention designated by the juvenile court or to the juvenile court itself or shall release the~~
7 ~~juvenile to the custody of the parent or guardian or other person legally responsible for the~~
8 ~~juvenile or under the juvenile's own recognizance, to be brought before the court at a time~~
9 ~~designated by it. The accusatory pleading may serve in lieu of a petition in the juvenile court,~~
10 ~~unless that court directs the filing of a petition. The juvenile court shall then proceed as provided~~
11 ~~in this chapter. All action taken by the court prior to transfer of the case shall be deemed null and~~
12 ~~void unless the juvenile court transfers under Section 12-15-34.~~

13 ~~(b) The provisions of subsection (a) of this section requiring transfer of cases involving a~~
14 ~~child to the juvenile court shall not apply to a child who has been previously transferred for~~
15 ~~criminal prosecution and convicted or adjudicated a youthful offender on the criminal charge~~
16 ~~pursuant to Section 12-15-34 or a child 16 years of age or older charged with a traffic offense~~
17 ~~other than driving under the influence of alcohol or controlled substances in violation of Section~~
18 ~~32-5A-191 or a municipal ordinance prohibiting the same conduct.~~

19 **§ 12-15-34. IDELE Transfer of cases from juvenile court to criminal court.**

20 (a) The prosecutor may, before a hearing on the petition on its merits and following
21 consultation with probation services, file a motion requesting the court to transfer the child for
22 criminal prosecution to the circuit or district court, if the child was 14 or more years of age at the
23 time of the conduct charged and is alleged to have committed an act which would constitute a
24 ~~crime~~ criminal offense as defined by the Code of Alabama if committed by an adult.

1 (b) The court shall conduct a hearing on all motions for the purpose of determining whether it
2 is in the best interest of the child or the public to grant the motion. If ~~the court finds and~~ there are
3 no reasonable grounds to believe the child is committable to an institution or agency for the
4 mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

5 (c) When there are grounds to believe that the child is committable to an institution or agency
6 for the mentally retarded or mentally ill, the court shall proceed pursuant to Section 12-15-70.

7 (d) Evidence of the following and other relevant factors shall be considered in determining
8 whether the motion shall be granted:

9 (1) The nature of the present alleged offense.

10 (2) The extent and nature of the prior delinquency record of the child.

11 (3) The nature of past treatment efforts and the nature of the response of the child to the
12 efforts.

13 (4) Demeanor.

14 (5) The extent and nature of the physical and mental maturity of the child.

15 (6) The interests of the community and of the child requiring that the child be placed
16 under legal restraint or discipline.

17 (e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in
18 writing, relevant to the factors listed in subsection (d) of this section shall be made by probation
19 services.

20 (f) When a child is transferred for criminal prosecution, the court shall set forth in writing its
21 reasons for granting the motion, which shall include a finding of probable cause for believing
22 that the allegations are true and correct.

23 (g) The finding of probable cause by the juvenile court shall preclude the necessity for a
24 preliminary hearing subsequent to the transfer of the case for criminal prosecution, and the court

1 having jurisdiction of the offense or offenses charged may exercise any authority over the case
2 and the child, subsequent to the transfer, which is otherwise applicable to cases involving adult
3 offenders under provisions of laws or rules of procedure adopted by the Supreme Court.

4 (h) A child whose case is transferred for criminal prosecution shall not be granted youthful
5 offender status and, if convicted, shall be sentenced as an adult if the act which if committed by
6 an adult would constitute any of the following:

7 (1) A capital offense.

8 (2) A Class A felony.

9 (3) A felony which has as an element the use of a deadly weapon.

10 (4) A felony which has as an element the causing of death or serious physical injury.

11 (5) A felony which has as an element the use of a dangerous instrument against any
12 person who is:

13 a. A law enforcement officer or official.

14 b. A correctional officer or official.

15 c. A parole or probation officer or official.

16 d. A juvenile court probation officer or official.

17 e. A district attorney or other prosecuting officer or official.

18 f. A judge or judicial official.

19 g. A court officer or official.

20 h. A person who is a grand juror, juror, or witness in any legal proceeding of
21 whatever nature when the offense stems from, is caused by, or is related to the role of the
22 person as a juror, grand juror, or witness.

23 i. A teacher, principal, or employee of the public education system of Alabama.

24 (6) Trafficking in drugs in violation of Section 13A-12-231.

1 (i) A child who is transferred to criminal court for criminal prosecution shall be tried as an
2 adult for the offense charged and all lesser included offenses of the offense charged.

3 (j) A conviction or adjudication as a youthful offender following the transfer of a child for
4 criminal prosecution as provided in this section shall terminate the jurisdiction of the juvenile
5 court over that child with respect to any future criminal acts, offenses, or violations of any nature
6 and with respect to any pending allegations of delinquency which have not been disposed of by
7 the juvenile court at the time of the criminal conviction. Any pending or future criminal acts
8 committed by the child shall be prosecuted as other criminal charges are prosecuted; however,
9 the juvenile court shall exercise jurisdiction over the child for the purpose of obtaining
10 verification of a previous conviction or adjudication as a youthful offender after being
11 transferred for prosecution as an adult, and for the purpose of authorizing release pending trial on
12 bond or as otherwise provided by law. Termination of the juvenile court's jurisdiction over the
13 child with respect to future criminal charges and pending allegations of delinquency, as provided
14 herein, shall not affect the juvenile court's jurisdiction over the child with respect to any other
15 matter provided in this chapter, specifically including any prior allegations of delinquency
16 which, at the time of the criminal conviction, has been disposed of by the juvenile court either
17 through informal adjustment, consent decree, or adjudication. The juvenile court is specifically
18 authorized, to the extent practicable, to continue exercising its jurisdiction over the child with
19 respect to such previously disposed delinquency cases after the termination of its jurisdiction
20 with respect to other criminal charges.

21 **§ 12-15-34.1. DEL Acts for which minor who has attained age 16 shall be charged,**
22 **arrested, and tried as adult; removal of person from jurisdiction of juvenile court.**

23 (a) Notwithstanding any other provision of law, any person who has attained the age of 16
24 years at the time of the conduct charged and who is charged with the commission of any act or

conduct, which if committed by an adult would constitute any of the following, shall not be subject to the jurisdiction of juvenile court but shall be charged, arrested, and tried as an adult:

(1) A capital offense.

(2) A Class A felony.

(3) A felony which has as an element thereof the use of a deadly weapon.

(4) A felony which has as an element thereof the causing of death or serious physical injury.

(5) A felony which has as an element thereof the use of a dangerous instrument against any person who is:

a. A law enforcement officer or official.

b. A correctional officer or official.

c. A parole or probation officer or official.

d. A juvenile court probation officer or official.

e. A district attorney or other prosecuting officer or official.

f. A judge or judicial official.

g. A court officer or official.

h. A person who is a grand juror, juror, or witness in any legal proceeding of whatever nature when the offense stems from, is caused by, or is related to the role of such person as a juror, grand juror, or witness.

i. A teacher, principal, or employee of the public education system of Alabama.

(6) Trafficking in drugs in violation of Section 13A-12-231, or as the same may be amended.

(7) Any lesser included offense of the above offenses charged or any lesser felony offense charged arising from the same facts and circumstances and committed at the same time as the offenses listed above.

1 (8) Any other offense committed by a person under the age of 18 years for which he or she is
2 charged after the age of 21 years.

3 (b) Notwithstanding any other provision of law, any person who has been tried in criminal
4 court pursuant to the provisions of this section shall not thereafter be subject to the jurisdiction of
5 juvenile court for any subsequent offense. Provided, however, the provisions of this subsection
6 shall not apply where the trial in criminal court resulted in an acquittal of all charges.

7 (c) This section shall apply to all cases in which the alleged criminal conduct occurred after
8 April 14, 1994. All conduct occurring before April 14, 1994 shall be governed by pre-existing
9 law.

10 **§ 12-15-35. Venue generally.**

11 (a) ~~[DEL]~~ If delinquency or in need of supervision is alleged, proceedings shall be
12 commenced in the ~~district-county~~ where the acts constituting the allegation occurred.

13 (b) ~~[DEP]~~ ~~If dependency is alleged,~~Dependency proceedings shall be commenced in the
14 ~~district-county of the child's residence where the child resides~~ or in the ~~district-county~~ where the
15 ~~child is present when the proceedings are commenced~~acts that are the basis of the dependency
16 petition occurred. However, in emergency situations, the court in the county where the child is
17 physically located may enter an ex parte order to protect the child pursuant to sections 12-15-150
18 through 12-15-156, and then may transfer the case to the court with proper venue.

19 (c) ~~[DEP]~~ When a petition is filed seeking to modify an award of custody or visitation
20 pursuant to an adjudication of dependency, and one of the parties to the original proceeding still
21 resides in the county of the court of original jurisdiction, the petition shall be filed in the court of
22 the original jurisdiction.

23 (d) ~~[DEP]~~ When a petition is filed seeking to modify an award of custody or visitation
24 pursuant to an adjudication of dependency in which all parties to the original action no longer

1 reside in the county of original jurisdiction, the petition shall be filed in the county where the
2 child and legal custodian reside. The petition shall be accompanied by a certified copy of the
3 most recent order to be modified.

4 **§ 12-15-36. [DEL] Transfer of delinquent and child in need of supervision proceedings**
5 **between juvenile courts within state.**

6 If the child resides in a district county of the state and the proceeding is commenced in a
7 court of another district county, ~~that the~~ court in which the proceeding was commenced, on its
8 own motion or a motion of a party, may transfer the proceeding ~~to the district of the child's~~
9 ~~residence for such further action or proceedings as the court receiving the transfer may deem~~
10 ~~proper to the county where the child resides, after adjudication for the purpose of disposition or~~
11 supervision of probation or before adjudication for the purpose of a consent decree.

12 ~~Like transfer may be made if the residence of the child change spending the proceeding.~~

13 ~~The proceeding shall be so transferred if the child has been adjudicated delinquent or in need~~
14 ~~of supervision and other proceedings involving the child are pending in the juvenile court of the~~
15 ~~district of his residence.~~

16 (b) For purposes of this section, "county where the child resides" means the county in which
17 the child and legal custodian have established permanent legal residence or have resided for six
18 or more months of a calendar year.

19 (c) Certified copies of all legal and social records pertaining to the case shall accompany the
20 transfer.

21 **§ 12-15- . [DEP] Transfer of dependency proceedings between juvenile courts within**
22 **state.**

23 (a) If a dependency proceeding is commenced in a county other than the county of the child's
24 residence, the court in which the proceedings were commenced, on its own motion or a motion

1 of a party, may transfer the proceeding before or after adjudication to the county of the child's
2 residence for the purpose of adjudication, disposition, supervision, or review as mandated by
3 federal and state law for children in foster care or in the custody of the state, or any combination
4 thereof.

5 (2) For purposes of this section, "county of the child's residence" means the county in which
6 the child and legal custodian have established permanent legal residence or have resided for six
7 or more months of a calendar year.

8 (c) Certified copies of all legal and social records pertaining to the case shall accompany the
9 transfer.